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8 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
9 IN AND FOR THE COUNTY OF PACIFIC

10 GARY ESAJIAN, an individual,

11 Plaintiff,

12 v.

13 KINDRED ISLAND HOLDINGS, LLC, a  
14 Washington limited liability company,

15 Defendant.

Case No. 12-2-00191-1

**MOTION AND AFFIDAVIT FOR ORDER  
CONFIRMING SALE**

16 Gary Esajian, plaintiff, and Westhaven Holdings, LLC, the purchaser at the sheriff's sale  
17 described herein, respectfully request entry of an Order confirming the sale of the real property  
18 identified in *Exhibit A*, attached hereto, on the 12th day of April, 2013. This motion is based on  
19 the records and files in this action and on the subjoined affidavit.

20 DATED this 6th day of May, 2013.

21 HILLIS CLARK MARTIN & PETERSON P.S.

22  
23  
24 By



Amit D. Ranade, WSBA #34878

Holly D. Golden, WSBA #44404

25 Attorneys for Plaintiff Gary Esajian and Westhaven  
26 Holdings, LLC

ND: 20353.002 4847-0325-6339v1

MOTION AND AFFIDAVIT FOR CONFIRMATION OF SALE - 1

**HILLIS CLARK MARTIN & PETERSON P.S.**

1221 Second Avenue, Suite 500

Seattle, Washington 98101

Telephone: (206) 623-1745

Facsimile: (206) 623-7789

**AFFIDAVIT**

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

HOLLY D. GOLDEN, being first duly sworn upon oath deposes and says:

1. I am an attorney with the law firm of Hillis Clark Martin & Peterson P.S., counsel of record for Gary Esajian, the plaintiff, and Westhaven Holdings, LLC, the successful bidder at the sale of real property held on the 12th day of April, 2013, under an Order of Sale issued in the above-entitled action.

2. The tax parcel numbers and legal descriptions of the real properties sold are stated in *Exhibit A*, attached hereto.

3. The Sheriff's Return of Sale was filed on April 15, 2013, and more than 20 days have elapsed since the filing of the Sheriff's Return of Sale.

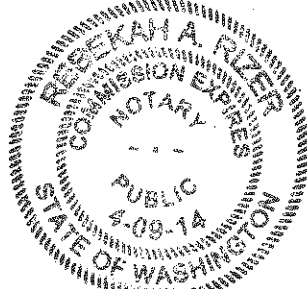
4. Neither the judgment debtors, their representatives, nor any non-defaulting party to whom notices were sent have filed an objection to the confirmation of the sale with the Clerk of the Court.

5. To the best of my knowledge, the proceedings concerning the sale were correct and complied with all statutory requirements. If any irregularities existed, they were not substantial. An Order Confirming Sale should be entered.

DATED this 6th day of May, 2013 at Seattle, Washington.

Holly Golden  
HOLLY D. GOLDEN

SUBSCRIBED AND SWORN to before me this 6th day of May, 2013.



Rebekah Rizer  
Printed Name Rebekah Rizer  
NOTARY PUBLIC in and for the State of Washington,  
residing at Kirkland, WA  
My Commission Expires 4/09/14

MOTION AND AFFIDAVIT FOR CONFIRMATION  
OF SALE: 12-2-00191-1 - 2

**HILLIS CLARK MARTIN & PETERSON P.S.**  
1221 Second Avenue, Suite 500  
Seattle, Washington 98101  
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## **EXHIBIT A**

## **PACIFIC COUNTY ASSESSOR'S PARCEL NUMBERS**

14110123006; 14110132005; 14110214006; 14110242004; 14110241005; 14110250002; 14110250004;  
14110255280; 14111232023; 1411250006 UNSEGREGATED; 14111250004; 14111250005;  
14111255094; 14111350001; 14100750001; 14111255094; 14111232009; 14111250003; 14111243022;  
14111350002; 79000000061; 14111355095; 14111155457; 14111234025; 14110542000; 78029012027;  
78029024022

## LEGAL DESCRIPTION

UPLANDS IN SECTION 1, TOWNSHIP 14 NORTH, RANGE 11 WEST OF W.M., PACIFIC County, WASHINGTON, THE FOLLOWING:

### PARCEL 2:

The West half of Government Lot 3 lying Southerly of State Route 105 as the same was conveyed by deed filed in Volume 174 at page 291.

### PARCEL 3:

That portion of Lot 5 and the East 660 feet of Lot 4, described as follows:

Beginning at a point on the North line of said Lot 4 which is North 89° 49' 38" West 172.89 feet from the Northeast corner of said Lot 4;

thence South 23° 43' 57" West 94.96 feet;

thence South 01° 36' 18" West 117.54 feet;

thence South 26° 34' 42" East 57.35 feet;

thence South 36° 27' 35" West 193.78 feet;

thence South 00° 29' 40" West 86.54 feet;

thence South 33° 13' 36" West 136.44 feet;

thence North 71° 28' 21" West 79.70 feet;

thence North 85° 08' 54" West 113.56 feet;

thence South 27° 00' 57" West 90.04 feet;

thence South 46° 31' 27" East 131.71 feet;

thence South 25° 58' 48" East 169.01 feet;

thence South 37° 18' 20" East 177.57 feet;

thence South 54° 49' 56" East 142.36 feet;

thence South 49° 18' 01" East 151.29 feet;

thence South 69° 27' 37" East 106.28 feet;

thence South 61° 57' 50" East 110.30 feet;

thence South 53° 00' 55" East 198.84 feet;

thence South 72° 55' 45" East 154.31 feet;

thence North 70° 22' 11" East 133.23 feet;

thence North 70° 58' 48" East 190.86 feet;

thence North 66° 43' 17" East 164.84 feet;

thence North 75° 36' 14" East 154.64 feet;

thence North 14° 24' 31" East 65.19 feet;

thence South 77° 24' 49" East 255.20 feet, more or less, to the high water line of Willapa Bay (the South line of Lots 4 and 5); thence Southwesterly, Westerly and Northwesterly along said line to its intersection with a line 660 feet Westerly of and parallel to the East line of said Lot 4; thence North, along said parallel line, to the North line of said Lot 4; thence South 89° 49' 38" East 487.11 feet, more or less, to the point of beginning.

ALSO Government Lot 4 EXCEPT the East 660 feet thereof.

IN SECTION 2, TOWNSHIP 14 NORTH, RANGE 11 WEST OF W.M., PACIFIC COUNTY, WASHINGTON THE FOLLOWING:

PARCEL 4:

That portion of Lot 7 lying South of the right-of-way of Secondary State Highway No. 13-A, now State Route 105, as described in Right-of-Way Deed, dated January 22, 1958 filed in Volume 175 at page 86.

PARCEL 5:

That portion of the North 660 feet of Lot 4 lying South of the right-of-way of Secondary State Highway No. 13-A, now State Route 105, as described in Right-of-Way Deed, dated January 22, 1958 filed in Volume 175 at page 86.

PARCEL 6:

That portion of the North 330 feet of Lot 6 lying South of the right-of-way of Secondary State Highway No. 13-A, now State Route 105, as described in a Right-of-Way Deed, dated January 22, 1958 filed in Volume 175 at page 86.

PARCEL 7:

Government Lot 6, EXCEPT any portion in the North 330 feet;

Government Lot 3 lying South of the right-of-way of State Route 105 (formerly 13-A), as conveyed in Volume 174 at page 15;

AND ALSO Government Lot 2, EXCEPT any portion as conveyed to Shoalwater Tribe in Volume 9405 at page 657;

EXCEPTING FROM SAID Lot 3 the following:

Beginning at a point on the Southeasterly right of way of State Route No. 105, said point being 100 feet right of Highway Engineer's Station 38+00.0 per plans titled North Cove to North River and dated May 14, 1957;

thence along said right-of-way, South 72° 41' 00" West, 371.00 feet;

thence South 17° 41' 00" East, 169.00 feet;

thence South 62° 41' 00" East, 103.24 feet;

thence North 72° 19' 00" East, 298.00 feet;

thence North 17° 41' 00" West, 242.00 feet to the point of Beginning.

PARCEL 8:

Government Lot 5;

Government Lot 4, EXCEPT any portion in the North 660 feet and EXCEPT any portion as may lie in the State Route 105 (formerly 13-A), as conveyed in Volume 174 at page 15;

PARCEL 11:

A) All tidelands of the second class as conveyed by the State of Washington situate in front of, adjacent to or abutting upon Lots 2 and 3 of Section 2, Township 14 North, Range 11 West of W.M., Pacific County, Washington, with a frontage of 51.57 lineal chains as measured along the meander line, according to the Government field notes thereof.

B) The following described tidelands of the second class, situate in Pacific County, Washington, to-wit:

The tidelands of the second class, owned by the State of Washington situate in front of, adjacent to or abutting upon that part of Lot 1 lying Southeasterly of the Northwesterly 1140 feet of said Lot, as measured along the meander line, and in front of, adjacent to or abutting upon that part of Lot 2 lying West of the East line of said Lot 1 produced South across said Lot 2, all in Section 11, Township 14 North, Range 11 West, W.M., with a frontage of 24.36 lineal chains, more or less.

Excepting however, any portion of said tidelands, that may be included in a Tract of Oyster land, deeded by the State of Washington, February 7, 1911 to Max Bode under application No. 3748.

AND EXCEPTING all tidelands of the second class extending to mean low water abutting the following described tract:

Beginning at a point on the Southerly right-of-way line of the Aberdeen-Tokeland Road, which is South 55° 10' East 620.8 feet from the North line of Section 11, Township 14 North, Range 11 West of W.M., thence South 30° 20' West 490 feet more or less to the meander line of Willapa Bay; thence South 47° East along said meander line 300 feet; thence North 30° 20' East 490 feet, more or less to the Southerly right-of-way line of said Aberdeen-Tokeland Road, thence North 55° 10' West 300 feet to the place of beginning.

ALSO EXCEPTING tidelands of the second class conveyed in Quit Claim Deed recorded October 21, 1987 in Volume 8710 at page 678.

PARCEL 23:

That portion of Government Lot 1, Section 12, Township 14 North, Range 11 West of W.M., lying Northerly of the North right-of-way line of Tokeland Road and Easterly of the following described line: Beginning at a point on the Northerly right-of-way line of the County Road to Tokeland and, said point being South 1080.47 feet and East 693.23 feet from the Northwest corner of said Government Lot 1, and being the Southeast corner of a tract of land conveyed to Richard D. Branshaw by deed recorded in Volume 147 of Deeds at page 198; thence South 59° 47' East 250.0 feet along said Northerly right-of-way line to the true point of beginning of the description of the aforementioned line; thence North 30° 13' East 218.26 feet; thence North 45° 55' 24" East a distance of 436.43 feet to the terminus of said line. Situated in Pacific County, Washington.

EXCEPTING Parcel 1 of Short Plat No. 93-05 as filed in Volume 2 of Short Plats at page 7.

ALSO EXCEPTING an additional portion conveyed to Tom and Anne Silvis in instrument recorded April 13, 2000 under Auditor's File No. 3035223.

AND ALSO EXCEPTING that portion lying Southeasterly of the Southeasterly line of that certain easement shown on survey recorded in Book 14 of Surveys at page 78, records of Pacific County, Washington.

TOGETHER WITH an easement for ingress and egress as set forth under Auditor's File No. 3065392 and under 3066721.

PARCEL 24:

Lot 4 of Section 12, Township 14 North, Range 11 West of W.M., Pacific County, Washington,

EXCEPTING THEREFROM any portion of vacated Holcomb Street,

ALSO EXCEPTING THEREFROM any portion of vacated Block 8 of First Addition to Tokes Point.

AND ALSO EXCEPTING those portions conveyed to Kimberlee A. Poulsen McConkey in instrument recorded August 4, 2000 under Auditor's File No. 3037830, and instrument recorded April 12, 2002 under Auditor's File No. 3052019.

TOGETHER WITH an easement for ingress and egress as set forth under Auditor's File No. 3065392 and under 3066721.

PARCEL 25:

Government Lot 5 of Section 12, Township 14 North, Range 11 West of W.M., Pacific County, Washington,

EXCEPTING THEREFROM that portion lying within vacated Block 8 of First Addition to Tokes Point or within the vacated streets and alleys in said vacated Block 8.

ALSO EXCEPTING those portions conveyed to Kimberlee A. Poulsen McConkey in instrument recorded August 4, 2000 under Auditor's File No. 3037830; and in instrument recorded April 12, 2002 under Auditor's File No. 3052019.

TOGETHER WITH an easement for ingress and egress as set forth under Auditor's File No. 3065392 and under 3066721.

PARCEL 13:

All tidelands of the second class as conveyed by the State of Washington situate in front of, adjacent to or abutting upon Lots 3 and 4 of Section 12, Township 14 North, Range 11 West of W.M., having a total frontage of 50.78 lineal chains,

EXCEPTING the Easterly 10 chains thereof.



PARCEL 17:

Government Lot 1 in Section 13, Township 14 North, Range 11 West of W.M.;

EXCEPT any portion thereof contained within the following:

Beginning at the Southwest corner of Block 3 of the First Addition to Tokes Point, per plat thereof filed in Volume D-2 of Plats at page 105, records of Pacific County, Washington; thence Southwesterly and in line with the Northwesterly boundary of said block to an intersection with the meander line of Willapa Bay;

thence Southeasterly along said meander line 400 feet, more or less, to an intersection with the Southeasterly boundary line of said block if extended Southwesterly;

thence Northeasterly to the Southeast corner of said Block 3;

thence Northwesterly along the Southwest boundary line of said Block 3, a distance of 400 feet to the place of beginning, being a portion of Government Lots 1 and 2 in Section 13, Township 14 North, Range 11 West of W.M.

PARCEL 29:

Beginning at the Southwest corner of Block 23, Plat of Tokes Point;

thence Westerly along the North line of Kindred Avenue, 920 feet to the true point of beginning of this description;

thence at right angles in a Northeasterly direction 1120 feet;

thence at right angles in a Southeasterly direction 920 feet;

thence at right angles in a Southwesterly direction 851.67 feet;

thence North 59° 40' 00" West 188.39 feet;

thence North 22° 31' 30" East 173.28 feet;

thence North 59° 40' 00" West 517.62 feet;

thence South 30° 20' 00" West 440 feet;

thence Westerly along the North line of Kindred Avenue 190.17 feet to the true point of beginning.

Situate in Pacific County, Washington.

LESS any portion lying within Government Lot 4 of Section 12, Township 14 North, Range 11 West of W.M.

PARCEL 30:

Government Lot 3 of Section 12, Township 14 North, Range 11 West of W.M., lying Northerly of the centerline of Wheeler Avenue, Westerly of the centerline of 3<sup>rd</sup> Street and Northerly of the centerline of Holcomb Avenue, in the Plat of Toke's Point.

EXCEPTING THEREFROM Lots 31 and 32 and half of the alley in Block 17 of Toke's Point, per plat thereof on file in the office of the Auditor of Pacific County, Washington.

ALSO EXCEPTING the West half of 3<sup>rd</sup> Avenue and the North half of Wheeler Avenue of the Plat of Toke's Point adjacent to the aforementioned Lots 31 and 32 in Block 17.

PARCEL 31:

That portion of the Southwest Quarter of the Southeast Quarter of Section 12, Township 14 North, Range 11 West, W.M., lying South of Government Lot 4, Northerly of vacated Block 7 of First Addition to Tokes Point and Westerly of the Northerly extension of the East line of 7<sup>th</sup> Avenue. Situate in Pacific County, Washington.

PARCEL 12:

Tidelands of the State of Washington, commonly known as Oyster Bed A-61, more particularly described as follows:

Beginning at the initial point, from which the corner to Sections 12, 13, 7 and 18 in Township 14 North, Ranges 10 and 11 West of W.M., Pacific County, Washington, bears South 79° 13" East 108.78 chains distant, and the meander corner to Sections 13 and 18, same township and ranges, bears South 68° 23' East 114.94 chains distant;  
thence runs South 2° 50' West 11.44 chains;  
thence West 52.00 chains;  
thence North 5° East 18.00 chains;  
thence South 82° 44' East 51.41 chains to the place of beginning, according to the map and field notes of the survey thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington.

PARCEL 14:

The Tidelands of the Second Class owned by the State of Washington, within the following:  
Beginning at the Meander Corner to fractional Section 13 and Section 18, Township 14 North, Ranges 10 and 11 West of W.M.;  
thence following the Government meander line North 86° 30" West 16.60 chains;  
thence North 61° 45' West 23.55 chains to the terminus being a total frontage of 40.15 chains;  
EXCEPT such portion of Tidelands situate in front of portions of Blocks 13, 14 and 25 of Tokes Point and portion of Block 1 of First Addition to Tokes Point.

PARCEL 15:

The Tidelands of the Second Class owned by the State of Washington, situate in front of, adjacent to or abutting upon that portion of Government Lot 3, Section 11, Township 14 North, Range 11 West of W.M., lying South of the Southeasterly line of Lot 45, Nelson's Tracts, a recorded Plat in said Section 11.

ALSO, the Tidelands of the Second Class owned by the State of Washington, situate in front of, adjacent to or abutting upon that portion of Lot 22 of Nelson's Tracts a recorded Plat in said Section 11, Township 14 North, Range 11 West of W.M., lying West of the East line of Government Lot 1 in Section 11, extended South to the Southwesterly line of Government Lot 2, said Section 11.

PARCEL 19:

That portion of Government Lot 2, Section 12, Township 14 North, Range 11 West of the W.M., lying Southwesterly of the First Addition to Tokes Point and Parcel Numbers 141112 001; 141112 002; 141112 003; 141112 003 E50'; 141112 005; 141112 006 in Pacific County, Washington, described as follows:

Beginning at the Southwest corner of Block 11 of Said Addition, being the true point of beginning which falls North 77° 13' 28" West 3,423.33 feet from the Southeast corner of said Section 12;  
thence South 57° 34' 36" East 200 feet along the Southerly line of said Addition to the Northwest corner of Parcel 141112 005  
thence South 32° 25' 24" West 120.00 feet to the Southwest corner of Parcel 141112 005;  
thence South 57° 34' 36" East 100.00 feet to the Southeast corner of Parcel 141112 005;  
thence North 32° 25' 24" East 70.00 feet along the Easterly line of Parcel 141112 005 to the Southwest corner of Parcel 141112 003;  
thence South 57° 35' 36" East 50.00 feet to the Southeast corner of Parcel 141112 003 and the Southwest corner of Parcel 141112 003 E 50 feet to the Southeast corner of Parcel 141112 003 East 50';  
thence North 32° 25' 24" East 50.00 feet to the Northeast corner of Parcel 141112 003 East 50' and the Southerly line of said Addition;  
thence South 57° 34' 36" East 110.00 feet along the Southerly line of said Addition to the Northwest corner of Parcel 141112 002;  
thence South 32° 25' 24" West 120.00 feet to the Southwest corner of Parcel 141112 002;  
thence South 57° 34' 36" East 100.00 feet to the Southeast corner of Parcel 141112 002;  
thence North 32° 25' 24" East 120.00 feet to the Northeast corner of Parcel 141112 002 and the Southerly line of said addition;  
thence South 57° 34' 36" East 50.00 feet along the Southerly line of said addition to the Northwest corner of Parcel 141112 006;  
thence South 32° 25' 24" West 100.00 feet to the Southwest corner of Parcel 141112 006;  
thence South 57° 34' 36" East 100.00 feet to the Southeast corner of Parcel 141112 006 and the Southwest corner of Parcel 141112 001;  
thence South 57° 34' 36" East 100.00 feet to the Southeast corner of Parcel 141112 001;  
thence North 32° 25' 24" East 60.97 feet along the Easterly line of Parcel 141112 001 to the Easterly line of said Government Lot 2;  
thence South 1° 37' 47" West 179.47 feet along the Easterly line of said Government Lot 2 to the South line of said Section  
thence North 88° 11' 10" West 928.62 feet along the South line of said Section to the meander corner;  
thence North 55° 50' 33" West 152.72 feet along the meander line to a point on the Southerly extension of the Westerly line of said Addition;  
thence North 32° 25' 24" East 661.41 feet to the Southwest corner of said Addition and the true point of beginning.

Said Parcel as recorded February 28, 1997 in Book 10 of Surveys at page 159, Auditor's File No. 3006904. EXCEPTING those portions conveyed under Auditor's File No. 3055183, 3065391 and 3066720.

PARCEL 21:

The South half of the Southeast Quarter and the Northwest Quarter of the Southeast Quarter in Section 5, Township 14 North, Range 11 West of W.M., Pacific County, Washington.

PARCEL 26:

Lots 27 to 30, both inclusive, in Block 12 of Tokes Point, according to the plat thereof on file in the office of the Auditor of Pacific County, Washington.

TOGETHER WITH the North 25 feet of vacated Fisher Avenue, acquiring thereto as vacated in Commissioners Journal Volume 13 at Page 504.

PARCEL 27:

Lots 22 and 23 in Block 24 of Tokes Point, according to the plat thereof on file in the office of the Auditor of Pacific County, Washington.

TOGETHER WITH the North 25 feet of vacated Fisher Avenue, acquiring thereto as vacated in Commissioners Journal Volume 13 at page 504.

PARCEL 18B:

Government Lot 16 in Section 12, Township 14 North, Range 11 West of W.M., Pacific County, Washington.

PARCEL 32:

All that portion of Government Lot 3 in Section 13, Township 14 North, Range 11 West of W.M., Pacific County, Washington, as may lie Northerly of the Plat of Tokes Point, per plat thereof on file in the Office of the Auditor of Pacific County, Washington;

ALSO that portion of Government Lots 2 and 3 in Said Section 13 as may lie Southerly of the Plat of Tokes Point and the Plat of First Addition to Tokes Point, per plat thereof on file in the Office of the Auditor of Pacific County;

EXCEPT THE FOLLOWING:

Beginning at the Southwest corner of Block 3 of the First Addition to Tokes Point, per plat thereof filed in Volume D-2 of Plats at page 105, records of Pacific County, Washington;

thence Southwesterly and in line with the Northwesterly boundary of said block to an intersection with the meander line of Willapa Bay;

thence Southeasterly along said meander line 400 feet, more or less, to an intersection with the Southeasterly boundary line of said block if extended Southwesterly;

thence Northeasterly to the Southeast corner of said Block 3;

thence Northwesterly along the Southwest boundary line of said Block 3, a distance of 400 feet to the place of beginning, being a portion of Government Lots 1 and 2 in Section 13, Township 14 North, Range 11 West of W.M.

AND ALSO EXCEPTING those portions conveyed in Volume 9410 at page 70.

PARCEL 20:

Government Lot 1 in Section 7, Township 14 North, Range 10 West of W.M., Pacific County, Washington, EXCEPTING THEREFROM the following described Tracts:

Commencing at the United States Government meander corner to fractional Sections 7 and 12, Township 14 North, Range 10 West of W.M.,  
thence East along said meander line a distance of 800 feet to the point of beginning;  
thence from said point of beginning, East and along the following said meander line a distance of 700 feet;  
thence South 35° 15' West 311 feet;  
thence at right angles and parallel with said meander line West a distance of 700 feet;  
thence North 35° 15' East 311 feet to the true point of beginning

AND EXCEPTING THEREFROM

Commencing at a point on the Section line between Sections 7 and 18, Township 14 North, Range 10 West, W.M., at a point which is 1411.99 feet East of the corner to Sections 7, 18, 12 and 13, Township 14 North, Range 10 and 11 West of W.M.;  
thence West 156 feet along the Section line between Sections 7 and 18;  
thence North 35° 15' East 330 feet, more or less to a point on the mean high water line;  
thence South 72° 15' East 286 feet along mean high water line;  
thence South 36° 38' East 234.0 feet more or less, to a point on the said Section line between Sections 7 and 18;  
thence West 468.0 feet more or less to the point of beginning.

AND EXCEPTING THEREFROM

That portion of Government Lot 1 in Section 7, Township 14 North, Range 10 West, Pacific County, Washington, described as follows:

Beginning at the meander corner common to Sections 7 and 18, of said Township and Range;  
thence West along the South line of said Lot 1 a distance of 205 feet, more or less to the Easterly boundary line of the tract of land conveyed to Daniel Catino and Harry G. Olsen under deed dated June 29, 1926, recorded in Volume 96 of Deeds at page 112, records of Pacific County, Washington;  
thence North 36° 38' West along said Easterly boundary line to an intersection with the Government meander line in front of said Lot 1;  
thence Southeasterly along said meander line 290 feet, more or less, to the place of beginning.